

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/031/2007**

- Applicant : Shri Tulsiram Ramji Pagare,  
Plot No. 1283, Vaishali Nagar,  
NAGPUR.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Civil Lines Division, NUZ,  
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 3) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 30.06.2007)**

The present grievance application is filed on  
23.05.2007 under Regulation 6.4 of the Maharashtra  
Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-provision of new electricity connection for the applicant's block of two rooms.

Before approaching this Forum, the applicant had filed his complaint under the said Regulations before the Internal Grievance Redressal Cell (in short the Cell) on 07.05.2007. The Cell, upon enquiry and hearing, informed the applicant under its letter, being letter no. 3197 dated 18.05.2007, that an arrear amount of Rs. 46,000/- is outstanding against the builder one Shri Babaria who was given temporary connection for construction purposes in the year 1996 in the same premises and which connection was permanently disconnected on 30.04.2001 because of non-payment of energy charges and that unless and until this arrear amount of Rs.46,000/- is paid by the applicant, his request for providing new connection cannot be considered. The applicant is aggrieved by this order and hence, the present grievance application.

The matter was heard on 12.06.2007 and 27.06.2007.

The applicant's submission is that he is the owner on plot no. 1283 Binaki, Vaishalinagar, Nagpur and a portion of this plot was given to the builder M/s. Babaria for construction of a building complex. The builder constructed some shops and sold them out. The applicant had applied to

the Junior Engineer, Lashkaribag, S/Dn., in the prescribed form for sanction of a new connection for his shop block. However, the Jr. Engineer refused to receive the application on the ground that there is an arrear amount of Rs. 46,000/- outstanding against Shri Babaria-the builder and that unless this amount is paid by him, his request for new connection cannot be considered. He added that electric connection has been provided to the shop keepers for shops constructed in the same premises of plot no. 2183. He requested that since he is not responsible for accumulating the arrear amount in question, his request for a new connection may not be withheld on ground of the arrear amount outstanding against a different consumer.

The non-applicant has filed his parawise report which is on record. He has submitted that the block in respect of which a new connection is being sought by the applicant is a part of building constructed by the builder M/s. Basera Builders and Developers in the name & style of "Sugat Plaza" at Vaishali Nagar, Nagpur. The builder had taken a temporary connection for construction purpose which came to be disconnected on account of accumulation of arrears. The builder never completed the requisite formalities for securing electric connections in the said building. There are 15 shop blocks in this building and total occupied area is 3422.68 sq. ft. The total electric load required for these shops comes to 51.34 KW. The existing transformer in the vicinity of the premises in question is already over-loaded and it cannot sustain any further load. As such no new connection can be given from the existing infrastructure. It is his say that the arrear amount of

Rs.46,000/- outstanding against the builder M/s. Basera Builders and Developers is pertaining to the same premises where the applicant wants a new connection for his shop block and that unless this amount is paid by the applicant, his request for a new connection cannot be considered.

On the point of allegation made by the applicant regarding release of connection to a shop keeper in the same premises, he contended that this connection came to be granted as per order passed by the Additional Dist. Judge in a Court case on 27.02.2005.

He lastly prayed that the applicant's request may be rejected.

The only point that needs to be decided in this case is whether the applicant's request for a new connection can be withheld or refused on the ground of arrear amount of Rs.46,000/- outstanding against a different consumer namely M/s. Basera Builders & Developers in the same premises. It is a matter of record that the builder was sanctioned a temporary connection in the past for construction purposes. This connection came to be disconnected permanently in April, 2001 because of non-payment of energy charges. Evidently, it is this builder who had neglected to pay the electricity charges due from him to the non-applicant Company and as such he alone is responsible for non-payment of this amount.

It is pertinent to mention here that the Hon'ble Supreme Court has held in the case of Isha Marbles V/s. Bihar State Electricity Board in a judgment reported in 1995 (2) Supreme Court cases, 648 that "Where the premises comes to be owned or occupied by the auction purchaser, when such

purchaser seeks supply of electric energy, he cannot be called upon to clear the past arrears as a condition precedent to supply”.

The Hon’ble Bombay High Court has also held in a judgment reported in 2001 (4), Civil Law Judgment, 473 in the case of Aurangabad Industrial Associates V/s State of Maharashtra and Others that the Electricity Board cannot withhold reconnection of electric supply to the subsequent purchaser of the property on the ground that the previous occupier of the property was in arrears of electricity charges and that he did not pay the same.

The legal provision contained in Section 56 (1) of the Electricity Act, 2003 also makes its imply clear that action has to be taken against the person who has neglected to pay the electricity charges as laid down therein.

Evidently, the non-applicant’s action of refusing to receive the applicant’s application for a new connection on the ground of arrear amount outstanding against the said builder who alone was responsible for accumulation of the arrear amount is incorrect and illegal. New connection cannot be refused to the applicant on such a ground.

In view of above, we allow the grievance application and direct the non-applicant to receive and consider on merits the applicant’s application for a new connection as per provisions of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 without insisting upon the applicant to make payment the arrear amount in question.

This order is passed without prejudice to the non-applicant's right to recover the amount by suit as provided in Section 56 (1) aforesaid.

The non-applicant shall report compliance to this Order of this Forum on or before 31.07.2007.

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**